IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO: 3:03CV527

SUSAN CAROL YANKE,)	
Plaintiff)	
)	OPPER
VS.)	<u>ORDER</u>
MUELLER DIE CAST SOLUTIONS,)	
INC.,)	
Defendant.)	
)	
)	

THIS MATTER IS BEFORE THE COURT on the "Pro Se Plaintiff's Objection to Counsel for the Defendants (sic) Violation of the Discovery Rules and Violation of the Discovery Deadline" (Document No. 83), filed October 7, 2005 by Susan Carol Yanke; the "Defendant's Response ..." (Document No. 84), filed October 12, 2005 by Mueller Die Cut Solutions, Inc. ("Mueller"); and the "Pro Se Plaintiff's Reply ..." (Document No. 86), filed October 18, 2005 by Ms. Yanke.

The undersigned has carefully reviewed the papers filed by Ms. Yanke and Mueller and finds no cause for the entry of sanctions against Mueller. Mueller's requests to Dr. Michael Martin were in compliance with the authorization for the release of medical records signed by Ms. Yanke at the direction of the Court. Further, pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Ms. Yanke is under a continuing duty to supplement her discovery responses if she "learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties" Especially to the extent that Ms. Yanke has failed to so supplement, the Court will not entertain the entry of sanctions against

Mueller for its attempts to secure such supplemental information.

IT IS, THEREFORE, ORDERED that "Pro Se Plaintiff's Objection to Counsel for the Defendants (sic) Violation of the Discovery Rules and Violation of the Discovery Deadline" (Document No. 83) is **DENIED**.

Signed: November 15, 2005

David C. Keesler
United States Magistrate Judge